

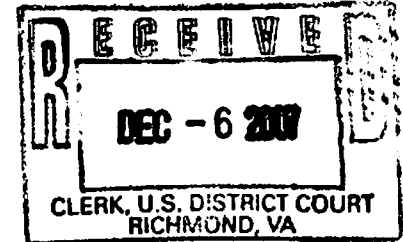
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ADMITTED TO PRACTICE IN
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November 30, 2007

Fernando Galindo
Clerk of Court
United States District Court
For the Eastern District of Virginia
Lewis F. Powell, Jr. U.S. Courthouse Building
1100 E. Main Street
Suite 305
Richmond, VA 23219



Re: Ann B. Tribbey v. New York Life Insurance Company
Case No. 3:07CV220-JRS

Dear Galindo:

This letter is in response to your letter of November 23 concerning a sketch of a final order in this matter related to the settlement.

Previously, counsel for the parties were of the opinion and in agreement that a guardian for the minor plaintiff, Rachael L. Washington, was necessary to approve the settlement on her behalf and to that end efforts were initiated to effectuate a guardianship proceeding in the Virginia courts. Identifying an individual to serve has proved difficult, time consuming, and unsuccessful.

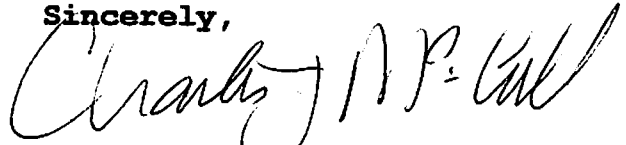
Pursuant to an Order entered by the Circuit Court of Chesterfield County, Virginia on November 1, 2004, In Re Rachael L. Washington, Ann B. Tribbey, the maternal grandmother of Rachael L. Washington, was granted sole legal and physical custody of Rachael.

In order to bring this matter to conclusion, I am preparing a motion pursuant to Rule 17 (c) to seek a ruling by Judge

Spencer whether the said custody order allows Ann B. Tribbey to approve the settlement on behalf of her granddaughter or whether a guardian needs to be appointed for that purpose.

This proposal has been discussed with counsel for New York Life and they concur in this effort. As soon as the sketch of the motion is reviewed by them, which I expect by the middle of next week, the motion will be filed.

Sincerely,

A handwritten signature in cursive script, appearing to read "Charles J. McCall".

Charles J. McCall

CJM:mkf

cc: Jennifer E. Dure, Esquire by email only
Ann B. Tribbey